

AMENDED IN ASSEMBLY FEBRUARY 26, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1808

Introduced by Assembly Member Yee

January 13, 2004

An act to amend Section ~~374.4~~ 374.7 of the Penal Code, relating to littering.

LEGISLATIVE COUNSEL'S DIGEST

AB 1808, as amended, Yee. Littering.

Existing law prohibits littering ~~upon any public or private property into any bay, lagoon, channel, river, creek, slough, canal, lake, or reservoir; or other stream or body of water, or upon a bank, beach, or shore within 150 feet of the high water mark of any stream or body of water.~~ Existing law provides that a violation of this prohibition is punishable, upon a first conviction, by a mandatory fine of not less than \$100 nor more than \$1,000.

This bill would provide that, if the littering occurs on a beach under the jurisdiction of the Department of Parks and Recreation, it is punishable, upon a first conviction, by a mandatory fine of not less than \$200 nor more than \$1,000.

The bill would require that, for each violation of these provisions that occurs on a beach under the department's jurisdiction, \$100 of the fine collected be deposited in the Beach Cleanup and Litter Abatement Fund, created by this bill, to be used, upon appropriation, for distribution by the department to cities and counties containing state beaches for the clean up and prevention of litter on those beaches.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Section 374.4 of the Penal Code is amended to~~

2 *SECTION 1. Section 374.7 of the Penal Code is amended to*
3 *read:*

4 374.7. (a) Every person who litters or causes to be littered, or
5 dumps or causes to be dumped, any waste matter into any bay,
6 lagoon, channel, river, creek, slough, canal, lake, or reservoir, or
7 other stream or body of water, or upon a bank, beach, or shore
8 within 150 feet of the high water mark of any stream or body of
9 water, is guilty of a misdemeanor.

10 (b) Every person convicted of a violation of subdivision (a)
11 shall be punished by a mandatory fine of not less than one hundred
12 dollars (\$100) nor more than one thousand dollars (\$1,000) upon
13 a first conviction, *or not less than two hundred dollars (\$200) nor*
14 *more than one thousand dollars (\$1,000) upon a first conviction*
15 *if the offense occurs on a beach under the jurisdiction of the*
16 *Department of Parks and Recreation*, by a mandatory fine of not
17 less than five hundred dollars (\$500) nor more than one thousand
18 dollars (\$1,000) upon a second conviction, and by a mandatory
19 fine of not less than seven hundred fifty dollars (\$750) nor more
20 than one thousand dollars (\$1,000) upon a third or subsequent
21 conviction.

22 (c) The court may, in addition to the fine imposed upon a
23 conviction, require as a condition of probation, in addition to any
24 other condition of probation, that any person convicted of a
25 violation of subdivision (a), pick up litter at a time and place within
26 the jurisdiction of the court for not less than eight hours.

27 (d) *Notwithstanding Section 1463.001, for each violation of*
28 *this section that occurs on a beach under the jurisdiction of the*
29 *Department of Parks and Recreation, one hundred dollars (\$100)*
30 *of the fine collected shall be deposited in the Beach Cleanup and*
31 *Litter Abatement Fund, which is hereby created, to be used, upon*
32 *appropriation, for distribution by the Department of Parks and*
33 *Recreation to cities, counties, and cities and counties containing*
34 *state beaches for the clean up and prevention of litter on those*
35 *beaches.*

1 read:

2 ~~374.4. (a) It is unlawful to litter or cause to be littered in or~~
3 ~~upon any public or private property. Any person, firm, or~~
4 ~~corporation violating this section is guilty of an infraction.~~

5 ~~(b) This section does not restrict a private owner in the use of~~
6 ~~his or her own property, unless the littering of waste matter on the~~
7 ~~property creates a public health and safety hazard, a public~~
8 ~~nuisance, or a fire hazard, as determined by a local health~~
9 ~~department, local fire department or district providing fire~~
10 ~~protection services, or the Department of Forestry and Fire~~
11 ~~Protection, in which case this section applies.~~

12 ~~(c) As used in this section, "litter" means the discarding,~~
13 ~~dropping, or scattering of small quantities of waste matter~~
14 ~~ordinarily carried on or about the person, including, but not limited~~
15 ~~to, beverage containers and closures, packaging, wrappers,~~
16 ~~wastepaper, newspapers, and magazines, in a place other than a~~
17 ~~place or container for the proper disposal thereof, and including~~
18 ~~waste matter which escapes or is allowed to escape from a~~
19 ~~container, receptacle, or package.~~

20 ~~(d) A person, firm, or corporation convicted of a violation of~~
21 ~~this section shall be punished by a mandatory fine of not less than~~
22 ~~one hundred dollars (\$100) nor more than one thousand dollars~~
23 ~~(\$1,000) upon a first conviction, or not less than two hundred~~
24 ~~dollars (\$200) nor more than one thousand dollars (\$1,000) upon~~
25 ~~a first conviction if the offense occurs on a beach under the~~
26 ~~jurisdiction of the Department of Parks and Recreation, by a~~
27 ~~mandatory fine of not less than five hundred dollars (\$500) nor~~
28 ~~more than one thousand dollars (\$1,000) upon a second~~
29 ~~conviction, and by a mandatory fine of not less than seven hundred~~
30 ~~fifty dollars (\$750) nor more than one thousand dollars (\$1,000)~~
31 ~~upon a third or subsequent conviction.~~

32 ~~(e) The court may, in addition to the fine imposed upon a~~
33 ~~conviction, require as a condition of probation, in addition to any~~
34 ~~other condition of probation, that any person convicted of a~~
35 ~~violation of this section pick up litter at a time and place within the~~
36 ~~jurisdiction of the court for not less than eight hours.~~

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